



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

NOV 28 2012

**FIRST CLASS MAIL**

Mr. M. Joel Bolstein, Esq.  
Fox Rothschild LLP  
2700 Kelly Road, Suite 300  
Warrington, Pennsylvania 18976

Re: Freedom of Information Act Request No. 03-FOI-01051-12

Dear Mr. Bolstein:

This letter is in response to your Freedom of Information Act (FOIA) request, 03-FOI-01051-12, dated August 28, 2012, in which you requested information regarding the North Penn Area 5 Superfund Site in Colmar, Pennsylvania.

On September 24, 2012, the Environmental Protection Agency (EPA) sent you copies of documents that were responsive to your request. Additional responsive documents are provided on the CD enclosed with this letter. However, EPA is unable to provide you with copies of some documents that are responsive to your request, because they contain information that has been determined to be exempt from mandatory disclosure by virtue of 5 U.S.C. § 552 (b)(5). The documents that are subject to this exemption have been withheld and they are all listed, along with the applicable exemption, in an enclosure with this letter. Please note that documents responsive are also publicly available in EPA's Administrative Record Index, available at [www.epa.gov/arweb](http://www.epa.gov/arweb).

Exemption 5 permits the withholding of any inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency.

You may appeal this partial denial to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, D.C. 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, e-mail: [hq.foia@epa.gov](mailto:hq.foia@epa.gov). Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, N.W. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, D.C. 20001. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the FOI number listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."



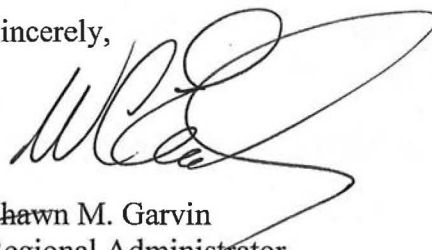
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*Customer Service Hotline: 1-800-438-2474*

Please see the enclosed bill for additional search and review efforts. Please make your check payable to U.S. Environmental Protection Agency, include the FOIA Number on the check, and mail to U.S. Environmental Protection Agency, FOIA and Miscellaneous Payments, Cincinnati Finance Center, P.O. Box 979078, St. Louis, Missouri 63197-9000. In the alternative, you may make your payment online at [www.pay.gov](http://www.pay.gov). Enter sfo 1.1 in the search field, open form and complete required fields.

If you have any questions regarding this matter, please contact Ms. Sharon Fang at 215-814-3018.

Sincerely,



Shawn M. Garvin  
Regional Administrator

Enclosures

cc: Richard Van Holt (3PA00)

FOIA REQUEST  
03-FOI-01051-12  
LIST OF WITHHELD INFORMATION

1. Outline of Site Strategy prepared by counsel for briefing Division Director, Hazardous Site Cleanup Division, dated September 7, 2011. This document contains confidential attorney-client communications, attorney work product, and conclusions and deliberations that are pre-decisional and is therefore exempt from disclosure under 5 U.S.C. § 552(b)(5).
2. Draft slide presentation entitled "North Penn Area 5 OU2," undated, presenting information regarding investigations in the "North Field" area of Operable Unit 2. This document contains information related to confidential settlement communications and therefore is exempt from disclosure under 5 U.S.C. § 552(b)(5).
3. E-mail from Allison Gardner (EPA) to Suzanne Parent, Cecil Rodrigues, Sharon Fang, and Peter Ludzia (all EPA) re: Honeywell meeting, dated June 13, 2012. This document contains confidential attorney-client communications and is therefore exempt from disclosure under 5 U.S.C. § 552(b)(5).
4. E-mail from Peter Ludzia (EPA) to Jim Webb (EPA), copying Cecil Rodrigues, Jefferie Garcia, Allison Gardner, Suzanne Parent, and Sharon Fang (all EPA) re: Honeywell meeting, dated June 13, 2012. This document contains confidential attorney-client communications and is therefore exempt from disclosure under 5 U.S.C. § 552(b)(5).
5. Letter from Peggy Otum, Esq. to Sharon Fang (EPA) re: North Penn Area 5 Superfund Site, Colmar, Pennsylvania, dated February 21, 2012. This document contains information related to confidential settlement communications and therefore is exempt from disclosure under 5 U.S.C. § 552(b)(5).
6. E-mail from Allison Gardner (EPA) to John Sither (DOJ) re: Confidentiality Agreement – Certain EPA Cost Documentation for North Penn Area 5 Site, dated January 31, 2012. This document contains confidential attorney-client communications and is therefore exempt from disclosure under 5 U.S.C. § 552(b)(5).
7. E-mail from Allison Gardner (EPA) to Jefferie Garcia (EPA) re: Confidentiality Agreement – Certain EPA Cost Documentation for North Penn Area 5 Site, dated January 31, 2012. This document contains attorney work product and is therefore exempt from disclosure under 5 U.S.C. § 552(b)(5).
8. E-mail from Allison Gardner (EPA) to John Sither (DOJ) and Jefferie Garcia (EPA) re: April 23<sup>rd</sup> Meeting – OU2 of North Penn 5 Site – Draft Presentation, dated April 17, 2012. This document contains confidential attorney-client communications, attorney work product and conclusions and deliberations that are pre-decisional and is therefore exempt from disclosure under 5 U.S.C. § 552(b)(5).



9. Calendar Entry for Sharon Fang (EPA) that contains information for Honeywell Meeting Briefing, dated June 18, 2012. This document contains conclusions and deliberations that are pre-decisional and is therefore exempt from disclosure under 5 U.S.C. § 552(b)(5).



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**FREEDOM OF INFORMATION ACT REQUEST INVOICE**

TO: Mr. M. Joel Bolstein, Esq.  
Fox Rothschild LLP  
2700 Kelly Road, Suite 300  
Warrington, PA 18976

FOIA No:	Invoice Date		Amount Due
03-FOI-01051-12	November 29, 2012		\$ 224.00
		Interest	
		Handling	
		Penalty	
		<b>Total Due</b>	\$ 224.00

**Remarks:**

Search Time: 2 hours professional personnel @ \$28.00 per hour = \$56.00; Review Time: 6 hours professional personnel @ \$28.00 per hour = \$168.00

**Fee Category:**

<b>Total</b>	

<b>DUE DATE:</b>	<b>December 29, 2012</b>
<b>Send Payment to:</b>	U. S. Environmental Protection Agency - Region III FOIA and Miscellaneous Payments – Cincinnati Finance Center P.O. Box 979078 St. Louis, MO 63197-9000

**PLEASE INCLUDE FOIA NO. ABOVE ON THE FACE OF YOUR CHECK.** Payment must be received within **30** days of the invoice date. If not received, interest will accrue from the invoice date, at the rate of 4% per annum, through the date of the payment. A late payment handling charge of \$15.00 will be imposed after 30 days, with an additional charge of \$15.00 for each subsequent 30 day period. A 6% per annum penalty will be assessed on any principal amount not paid within 90 days of the due date.

Direct any billing inquiries to Heather Russell (513) 487-2063 If you have any questions about this response, please contact Sharon Fang at (215) 814-2631

cc: Richard Van Holt, FOIA Officer (3PA00)  
Heather Russell, USEPA, Cincinnati Financial Center



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